

## PLANNED DEVELOPMENT PERMIT

**FILE NO.** PD13-016

**LOCATION OF PROPERTY** Southwest corner of East William Street and South 8<sup>th</sup> Street (346 East William Street)

**ZONING DISTRICT** A(PD) Planned Development Zoning District, File No. PDC09-019

**GENERAL PLAN DESIGNATION** Mixed Use Commercial and Residential Neighborhood

**PROPOSED USE** Planned Development Permit to allow the demolition of two-single-family detached residences and a commercial building, the removal of three ordinance-sized trees, the relocation and rehabilitation of a historic residence, and the construction of 28 multi-family residential units, with 1,780 square feet of ground floor retail on a 0.57 gross acre site

**ENVIRONMENTAL STATUS** Determination of Consistency with the Mitigated Negative Declaration, adopted by Resolution No. 76565, on February 26, 2013

**APPLICANT/ADDRESS** Paulo Hernandez  
Sherwin South Campus, LLC  
260 Main Street, Suite 200  
Redwood City, CA 94063

**OWNER/ADDRESS** Ho Year, LLC  
260 Main Street, Suite 200  
Redwood City, CA 94063

**FACTS**

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as follows for this proposed project:

1. **Project Description.** This is a Planned Development Permit to allow:
  - a. Demolition of three structures and a portion of a fourth, and the demolition of three accessory structures,
  - b. Removal of three ordinance sized-trees,
  - c. Relocation and rehabilitation of a historic residence (the Cooper House) on the project site, and

- d. Construction of 28 multi-family residences, with 1,780 square feet of ground floor commercial space, 50 feet/four stories in height, and three feet from property lines on E. Williams Street and S. 8<sup>th</sup> Street.
2. **Site Description.** The 0.57-gross acre site is located at the southwest corner of East Williams Street and South 8<sup>th</sup> Street at 346 East Williams Street. The site is currently developed with three two-story, single family detached residences and a small 1,300 square foot restaurant, Sa-By Thai Cuisine. The land uses surrounding the site include multi-family residences to the north, single-family and multi-family residences to the east and west, and one single-family detached residence to the south. San Jose State University is located one block north of the subject site.
3. **General Plan.** The project site has an Envision San Jose 2040 General Plan Land Use/Transportation Diagram designation of Mixed Use Commercial on 0.22 acres of the site, and Residential Neighborhood on 0.35 acres of the site. The Mixed Use Commercial designation is intended to accommodate a mix of commercial and residential activity allowed in a secondary role. The Residential Neighborhood designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods in the City, but does not allow for mixed use development. The 2040 General Plan Implementation Policy IP-1.4, states that implementation of existing Planned Development Zonings and/or approved and effective land use entitlements, which were previously found to be in conformance with the General Plan prior to its comprehensive update, are considered as being in conformance with the Envision General Plan when the implementation of such entitlement supports its goals and policies.
4. **Zoning District.** The subject site is located in the A(PD) Planned Development Zoning District, File No. PDC09-019, approved on February 26, 2013 for 28 residential units and 1,780 square feet of ground floor retail.
- a. *Use Allowance.* Commercial uses on the ground floor are limited to those of the CP Commercial Pedestrian Zoning District, with Special and Conditional Uses requiring the issuance of a Planned Development Permit. Between 14 to 28 multi-family residential units are allowed by right.
- b. *Parking.* Commercial uses per Zoning Ordinance, as amended. Residential uses per Zoning Ordinance, as amended; tandem spaces allowed by right when two spaces provided per units when assigned as such.
- c. *Setbacks.* The minimum setbacks as measured from the face of the building are as follows:
- |  |         |
|--|---------|
| Property line on S. 8 <sup>th</sup> Street | 3 feet  |
| Historic Cooper House                      | 20 feet |
| Property line on E. William Street         | 0 feet  |
| Adjacent properties on E. William Street   | 0 feet  |
| West property line                         | 10 feet |
| South property line                        | 37 feet |
- d. *Height.* Maximum 50 feet above grade/4 stories
5. **Tree Removal.** Three ordinance-sized trees, and three non-ordinance sized trees are proposed for removal.

6. **Tree Removal Regulation.** The request for a tree removal permit pursuant to the provisions of Chapter 13.32 of the San Jose Municipal Code may be included as part of an application for development permit under the provisions of Title 20.
7. **CEQA.** A Mitigated Negative Declaration (MND) was prepared by the Director of Planning, Building, and Code Enforcement for the rezoning of this site (File No. PDC09-019). This MND was adopted by Resolution 76565 on February 26, 2013. A Determination of Consistency with this MND was made for this project.

## FINDINGS

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as follows for this proposed project:

After investigation and hearing held pursuant to Chapter 13.32 of the San José Municipal Code, the Director of Planning finds:

1. That the tree affected is of a size, type and condition, and is in such a location in such surroundings, that its removal would not significantly frustrate the purposes of this chapter as set forth in Section 13.32.010, in that tree will be within five feet of the relocated historic Cooper House, and the removal of these tree will protect the structural integrity of the historic structure, and
2. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question.

Further, the Director of Planning, Building, and Code Enforcement concludes and finds, based on the analysis of the above facts, that under the provisions of Section 20.80.440(A) of the San José Municipal Code, no demolition permit or removal permit shall be issued unless and until a Development Permit which specifically approves such demolition or removal has been issued and has become effective pursuant to the provisions of Chapter 20.100.

1. The Director of Planning has considered the following in evaluating the proposed demolition:
  - a. The failure to approve the permit would result in the creation of continued existence of a nuisance, blight or dangerous condition.
  - b. The failure to approve the permit would jeopardize public health, safety or welfare.
  - c. Both inventoried and non-inventoried buildings, sites and districts of historical significance will not be negatively impacted.
  - d. The approval of the demolition of the building would maintain the supply of existing housing stock in the City;
  - e. Rehabilitation or reuse of the existing building would not be feasible; and
  - f. The approval of the demolition of the building should facilitate a project that is compatible with the surrounding neighborhood.

Finally, the Director of Planning, Building, and Code Enforcement determines, concludes, and finds as follows for this proposed project:

1. The Planned Development Permit, as issued, furthers the policies of the General Plan in that:

- a. The proposed project does not conform to the 2040 General Plan Land Use/Transportation Diagram designation of Residential Neighborhood. However, the rezoning for this project (File No. PDC09-019) was entitled within the 18 month period following the adoption date of the 2040 General Plan. As such, the subject rezoning was considered under the 2020 General Plan Designation of High Density Residential (25-50 DU/AC). Under this designation, three- to four-story apartments or condominiums over parking were permitted. Sites with this designation were encouraged to develop with high densities to support a range of housing opportunities for all economic segments of the community. Sites within reasonable walking distance of a passenger rail station were also considered appropriate for vertical commercial/residential mixed-use development under a planned Development Zoning District. While this site is farther than the usual 2,000 feet from a rail station, the site is within 1,400 feet from the Downtown Core and one block from San Jose State University, in an area that is urban and willable and appropriate for higher density, mixed-use development. Therefore, it was found to be consistent with the High Density land use designation.
  - b. The 2040 General Plan Implementation Policy IP-1.4, states that implementation of existing Planned Development Zonings and/or approved and effective land use entitlements, which were previously found to be in conformance with the General Plan prior to its comprehensive update, are considered as being in conformance with the Envision General Plan when the implementation of such entitlement supports its goals and policies. The proposed project supports the General Plan's housing goals, goals for walkability, and the preservation of the Cooper house meets the General Plans, Historical Preservation goals. Therefore, the proposed project is in conformance with the 2040 General Plan.
  - c. The current project is also consistent with General Plan Housing Policy H-3.2 which requires that projects with high density residential and mixed residential/commercial development develop in identified Growth Areas. This project proposes 49 dwelling units per acre which is an appropriate density level for the High Density Residential Designation, which supports higher density residential in this area.
2. The Planned Development Permit, as issued, conforms in all respects to the Planned Development Zoning of the property. Planned Development Zoning (File No. PDC09-019) was approved on February 26, 2013 for 14 to 28 residential units. This project conforms in all respects to the Planned Development Zoning of the property as listed in the aforementioned Facts, in that:
- a. *Use.* The building will be for 28 attached residential units with 1,780 square feet of ground floor retail. The project will also preserve the Historic Cooper House per Council Direction.
  - b. *Parking Requirement.* The project is providing 54 parking spaces, 5 of which are dedicated to retail use and three of which will be shared between the retail component and residential component.
  - c. *Setbacks.* The project conforms to the setbacks established by the General Development Plan.
  - d. *Height.* The project conforms to the height established by the General Development Standards of 50 feet or 4 stories.

3. The interrelationship between the orientation, location, mass and scale of building volumes and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious, in that:
  - a. The proposed project has been reviewed for conformance to the Residential Design Guidelines. As such, the architectural elements of the proposed project are architecturally compatible with existing and planned development in the area; and
  - b. The proposed project also incorporates Council's direction on design and compatibility represented in the General Development Standards.
4. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties, in that this project is using the Mitigated Negative Declaration prepared for the rezoning, File No. PDC09-019, which was adopted by Resolution 76565 on February 26, 2013.

In accordance with the findings set forth above, a Planned Development Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

**APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
  - a. Acceptance of the Permit by the applicant; and
  - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire four years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the "Building Code" shall be made without first obtaining a Certificate of Occupancy from



the Building Official, as required under San Jose Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.

4. **Lot Line Adjustment.** Prior to the issuance of Building Permits, the permittee must be issued a Lot Line Adjustment to combine the project parcels, parcel number 472-25-054, -055, -056, and -057, for purposes of allowing development on the entire lot and to avoid construction over property lines.
5. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
6. **Conformance to Plans.** The development of the site shall conform to the approved plans entitled, "Planned Development Permit 9<sup>th</sup> and William Street Mixed Use Development" dated November 14, 2014 on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24), with the exception of any subsequently approved changes.
7. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
8. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
9. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San Jose Municipal Code.
10. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
  - a. *Construction Plans.* This permit file number, PD13-016, shall be printed on all construction plans submitted to the Building Division.
  - b. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.

11. **Americans with Disabilities Act.** The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
12. **Construction Impact Mitigation Measures.** The applicant is responsible for notifying all contractors of the conditions of this permit and that they shall perform construction activities in compliance with these conditions, or be subject to enforcement action.
  - a. *Compliance.* The applicant shall ensure that the following construction impact mitigation measures are fully complied with throughout the duration of all construction activities associated with this project and related off-site construction work. Failure to comply with these conditions by the applicant, their contractors or subcontractors shall be cause for shutdown of the project site until compliance with the following conditions can be ensured by the City. These construction impact mitigation measures shall be included in all contract documents for the project to ensure full disclosure to contractors and subcontractors.
  - b. *Construction Hours.* Construction and grading activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. This includes the staging of equipment and construction personnel. The construction hours shall be printed on all plans for the project used to construct the project. Interior construction activities that do not generate any audible noise impacts at residential properties are allowed on Saturdays between 9:00 a.m. and 5:00 p.m.
  - c. *Enforcement.* The Director of Planning, Building and Code Enforcement may order an immediate halt to construction activities on the project site any time that the Director determines that the project is not in substantial conformance with the requirements of this Permit. Within seven days of ordering such a halt to construction, the Director of Planning, Building and Code Enforcement shall issue a Notice of Noncompliance in conformance with Section 20.100.320 of Title 20 of the San José Municipal Code indicating the specific area(s) of noncompliance and providing notice that the Director may issue an Order to Show Cause why the development permit shall not be revoked, suspended, or modified if the noncompliance is not corrected.
  - d. *Construction Deliveries.* Deliveries shall not occur outside the above construction hours. All deliveries shall be coordinated to ensure that no delivery vehicles arrive prior to the opening of the gates to prevent the disruption of nearby residents.
  - e. *Fencing.* The site shall be wholly enclosed by security fencing where the site is accessible by vehicles. The gates to the project site shall remain locked during all other times, except for a 30-minute period immediately preceding and following the above hours of construction.
  - f. *Assembly Area.* Workers shall not arrive to the site until the opening of the project gates. The applicant shall designate a location without adjacent residential units for workers to wait prior to the opening of the project gates.
  - g. *Disturbance Coordinator.* A Construction/Disturbance Coordinator shall be identified by the developer for this project. The Construction/Disturbance Coordinator shall be responsible for ensuring compliance with the hours of construction, site housekeeping, and other nuisance compliance conditions in this permit. The coordinator shall also compile information regarding construction phasing/operations and keep the neighborhood informed of the stages of development. The coordinator shall also listen and respond to neighborhood concerns regarding construction, determine the cause of the

concern (e.g., starting too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem in a timely manner. The coordinator shall maintain a log of calls and shall make that log available to the City of San Jose upon request.

- h. *Posting of Telephone Number.* The name and phone number of the Construction/Disturbance coordinator, the hours of construction limitations, City File Number PD13-016, shall be displayed on a weatherproof sign posted at each entrance to the project site. A local phone number with answering service shall be maintained during the duration of project construction.
  - i. *Street Cleaning and Dust Control.* During construction, the developer shall damp-sweep the public and private streets within and adjoining the project site each working day sufficient to remove all visible debris and soil. On-site areas visible to the public from the public right-of-way shall be cleaned of debris, rubbish, and trash at least once a week. While the project is under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site.
  - j. *Construction Watering.* The proposed project shall use recycled water for all grading, dust control, and other non-potable approved uses during construction to the satisfaction of the Director of Public Works.
13. **Colors and Materials.** All building colors and materials are to be those specified on the Approved Plan Set.
14. **Lighting.** There is no exterior lighting approved as part of this permit. Any new on-site, exterior, unroofed lighting shall conform to the Outdoor Lighting Policy, and shall use fully cut-off and fully shielded fixtures. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property.
15. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
16. **Recycling.** Scrap construction and demolition material shall be recycled. Integrated Waste Management staff at (408) 535-8550 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
17. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
18. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
19. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.
20. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
21. **Building and Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.



22. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
23. **Parking Permit.** There will be a limit of one South University Neighborhood parking permit per residential unit.
24. **Mechanical Equipment.** This permit does not include the approval of any mechanical equipment such as stand-by/backup electrical power generation facilities. Any future mechanical equipment shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.
25. **Generators.** This permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.
26. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.
27. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/index.aspx?nid=2246>.
  - a. *Construction Agreement:* The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
  - b. *Traffic:* An in-house traffic analysis was done and it was concluded that the project will create 27 new peak hour trips and has no significant impact to the existing level of service at the signal located at S. 7<sup>th</sup> Street. We conclude that the subject project will be in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and a determination for a negative declaration can be made with respect to traffic impacts. However, any changes or intensification of the site use would require evaluation and additional traffic analysis may be required.
  - c. *Grading/Geology:*
    - i. A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
    - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2010 California Plumbing Code or submit a stamped and signed alternate engineered

design for Public Works discretionary approval and should be designed to convey a 10 year storm event.

- iii. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
- iv. In order to accomplish the proposed grading and excavation for this project, a detailed shoring plan will have to be submitted during the grading stage.
- v. Only shoring tie-backs are allowed to encroach into the public right-of-way, no other shoring equipment shall encroach into the public right-of-way.
- d. *Stormwater Runoff Pollution Control Measures:* This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
  - i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
  - ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- e. *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- f. *Parks:* This residential project is subject to the payment of park fees in-lieu of land dedication under either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code).
- g. *Undergrounding:*
  - i. The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to E. William Street prior to issuance of a Public Works Clearance. Based on the proposed mixed-use, 75 percent of the base fee in place at the time of payment will be due. Currently, the 2014 base fee is \$440 per linear foot of frontage and is subject to change every January 31<sup>st</sup> based on the Engineering News Record's City Average Cost Index for the previous year. The project will be required to pay the current rate in effect at the time the Public Works Clearance is issued (based on 2014 rate, the fee is approximately \$16,500).
  - ii. The Director of Public Works may, at his discretion, allow the developer to perform the actual undergrounding of all off-site utility facilities fronting the project adjacent to E. William Street. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.
- h. *Street Improvements:*

- i. Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
  - ii. Green zone parking along both 8<sup>th</sup> Street and William Street must remain for the retail businesses.
  - iii. Upgrade existing handicap ramp at the corner of William St. and W. 8<sup>th</sup> St. to current City standards.
  - iv. Close unused driveway cut(s).
  - v. Proposed two-way driveway width to be 20' minimum to 26' maximum.
  - vi. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
  - i. *SNI*: This project is located within the University SNI area. Public improvements shall conform to the approved EIR and neighborhood improvement plan.
  - j. *Electrical*: Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
  - k. *Street Trees*: The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
28. **Revocation, Suspension, Modification.** This Planned Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
- a. A violation of any conditions of the Planned Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
  - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
  - c. The use as presently conducted creates a nuisance.

**APPROVED** and issued on this **29<sup>th</sup> day of July, 2015.**

Harry Freitas, Planning Director  
Planning, Building, and Code Enforcement

Deputy